IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 873 OF 2004

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders	Court's or Judge's Orders

Mrs.G.P.Mulekar, APP for the State.

CORAM: R.S.Mohite, J.
DATE : 13th January, 2006.

P.C.:

1. This is an appeal filed by the State impugning the judgment and order passed by the Judicial Magistrate First Class, Jath on 13/04/2004 acquitting the accused for the offences punishable under section 380 of the Indian Penal Code. On perusal of the impugned judgment and order, it is clear that the same has been passed on cogent and acceptable reasons. The complainant is the lady who was sarpanch of the village. She claims to have witnessed the theft which went on for about 5 hours. She has not

called anybody or immediately approached the police. Accused though arrested, valuable articles which said to have been stolen such as cash and ornaments were not recovered from the accused. Even the agricultural equipments like electric motor, were not recovered. The Trial Court has disbelieved the complainant on the footing that she would not have kept watching while the accused stolen her property. The view taken is a possible view. In the circumstances, the leave is refused and consequently, the appeal stands dismissed.

(R.S.Mohite, J.)